

HOUSE JOINT RESOLUTION 463
By Patton

A RESOLUTION relative to farm waivers from federal commercial driver license requirements.

WHEREAS, the Commercial Motor Vehicle Safety Act (CMVSA) was enacted by the U.S. Congress in 1986; and

WHEREAS, the Federal Highway Administration (FHWA) affords some latitude to states in enforcement, permitting state law to be more stringent, but not less stringent than the minimum standards set forth in this act; and

WHEREAS, in October 1995, the Federal Highway Administration, Office of Motor Carriers, conducted a Commercial Driver License compliance review on the State of Tennessee; and

WHEREAS, the review revealed that Tennessee's statutory requirements are less restrictive than the federally specified requirements, because Tennessee has been issuing farmers an intrastate waiver, rather than only the 150 mile-radius waiver allowed in the federal commercial driver license requirements; and

WHEREAS, according to personnel within the Department of Safety, Tennessee stands to lose five percent (5%) annually in federal highway dollars if Tennessee's regulations are not at least as stringent as the federal regulations; this amount could total as much as twenty to forty million dollars annually; and

WHEREAS, as state legislators, we are now placed in the untenable position of passing legislation which will require any Tennessee farmer who drives beyond 150 miles from his/her farm in a vehicle exceeding 26,000 pounds Gross Vehicle Weight Rating (GVWR) to obtain a commercial driver license; and

WHEREAS, the Tennessee General Assembly was the first to pass legislation enabling the issuance of commercial driver licenses; with the passage of the enabling legislation, Tennessee's intrastate waiver for farm vehicles was also enacted; and

WHEREAS, during the years since enactment of Tennessee's CDL waiver, there have been no serious accidents or violations involving Tennessee farmers to indicate that our state waiver creates any safety hazard; and

WHEREAS, legislation (SB2074 - Haun, HB2022 - Patton), is presently moving through our state legislative process to bring Tennessee's waiver for farm vehicles into compliance with federal commercial driver license requirements; and

WHEREAS, the passage of such legislation is no reflection of our support; however, as legislators, we are in a position of no choice; we are forced to vote in favor on an issue which we do not philosophically agree with or believe is necessary in this state or lose tens of millions of dollars in federal highway funds; and

WHEREAS, the 104th Congress began this term with a commitment to reform the number of mandates placed on other levels of government; and

WHEREAS, we believe our state officials are in a better position to evaluate the safety of our citizens in their intrastate travel than is the U.S. Congress; now, therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-NINTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, That this General Assembly hereby memorializes the United State Congress to enact legislation that would afford greater latitude and control to the states in the issuance of waivers for farmers who

operate farm vehicles exceeding 26,000 pounds GVWR from federal commercial driver license requirements under the Commercial Motor Vehicle Safety Act, as amended.

BE IT FURTHER RESOLVED, That the Chief Clerk of the House is directed to transmit certified copies of this resolution to the Speaker and the Clerk of the U.S. House of Representatives, the President and the Secretary of the U.S. Senate, and to each member of Tennessee's Congressional delegation.

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